7475647/2023/VIG-IV-PRR01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Panchayat Raj and Rural Development Department –Allegations of corruption against Sri Battina Venkateswara Rao, formerly Mandal Parishad Development Officer, MPP, Tiruvuru, Krishna District (Retired on 31.8.1999)– Trapped by ACB on 29.04.1998 – Convicted by the Hon'ble High Court in Crl. Appeal No. 1381/2007, dated:24.02.2023– Punishment of withholding of Pension and Gratuity in full permanently under Rule 9 of A.P Revised Pension Rules 1980 – Imposed - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IV)DEPARTMENT

G.O.MS.No.46

Dated:23.05.2023

Read the following:-

1. From the D.G, A.C.B, final report of Lr.Rc.No.56/RCT-VKI/1998, Dated:04.01.1999
2. G.O.Ms.No.188, dt:30.04.1999 of Panchayt Raj and Rural Development (Est.VII)Department.
3. Judgement in CC.No.13/1999, Dated:16.05.2005 of the Court of Spl. Judge for SPE & ACB Cases, Vijayawada.
4. From the D.G., A.C.B, Lr.Rc.No.56/RCT-VKI/1998, dt:11.08.2005.
5. Govt.Memo.No.9908/Vig.IV/A1/2004-2, dt.10.02.2006.
6. From the DG, ACB Lr.Rc.No.56/RCT-VKI/1998, dt.23.03.2023 along with a copy of Judgment, dated 24.02.2023 in CRLA No.1381/2007 of Hon'ble High Court , A.P.

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ORDER:-

Whereas, Sri Battina Venkateswara Rao, while working as Mandal Parishad Development Officer, MPP, Tiruvuru, Krishna District was trapped by the Anti-Corruption Bureau authorities on 29-4-1998, when he demanded and accepted bribe of Rs.5000/- from the complainant Sri U.V.Sesha Rao, for doing an official favour.

2. And whereas, the Government have accorded sanction to prosecute the Accused Officer in a Court of Law and the ACB has filed charge sheet in CC.No. 13/1999 in the ACB Court Vijayawada. In the reference 3rd read above, the Court of Special Judge for SPE & ACB Cases, Vijayawada in its Judgement dated:16.05.2005 in C.C.No.13/1999 has acquitted the Accused Officer, Sri Battina Venkateswara Rao, formerly Mandal Parishad Development Officer, MPP, Tiruvuru, Krishna District (retired on 31.08.1999). As per the request of the Bureau, in the reference 5th read above, Government have permitted the Bureau to file an appeal against the acquittal judgment in C.C.No.13/1999. Accordingly, Criminal Appeal was filed by the Bureau vide CRLA No. 1381/2007 in the Hon'ble High Court.

3. The Hon'ble High Court in Judgement dated:24.2.2023 has allowed the Criminal Appeal No.1381/2007 filed by the Bureau, by setting aside the judgment dated 16.05.2005 in CC No.13/1999 of the Court of Spl. Judge for SPE & ACB Cases, Vijayawada and ordered as follows:

> "Convicted the Respondent/Accused under section 248 (2) Cr.P.C. The Accused Officer is sentenced to suffer Rigorous Imprisonment for Six (6) months and to pay a fine of Rs.5,000/- in default to suffer Simple Imprisonment for three (3) months for the charge under Section 7 of the PC Act and he is further sentenced to suffer Rigorous Imprisonment for one year and to pay a fine of Rs.5,000/- for the charge under section 13(2) r/w section 13 (1) (d) of the PC Act. Both the sentences imposed above shall run concurrently".

(Contd.2)

4. In the reference 6th read above, the Director General, Anti-Corruption Bureau has therefore requested the Government to take action to withhold the entire pension and gratuity in full in respect of the Accused Officer, Sri Battina Venkateswara Rao, former Mandal Parishad Development Officer, MPP, Tiruvuru, Krishna District, (Retired from service on 31-08-1999) under A.P. Revised Pension Rules-1980.

5. Government have examined the matter carefully, keeping in view of Rule 9 of A.P. Revised Pension Rule-1980 and as per G.O.Ms.No.2 General Administration (Services-C) Department, dated:04.01.1999, have decided to impose the punishment of **'Withholding Pension and Gratuity in full permanently'** on Sri Battina Venkateswara Rao, formerly Mandal Parishad Development Officer, MPP, Tiruvuru, Krishna District (now retired), for the conduct which has led to his conviction in CRLA No.1381/2007, dt:24.02.2023.

6. Accordingly, Government hereby impose the punishment of **'Withholding entire Pension and Gratuity in full permanently'** on Sri Battina Venkateswara Rao, formerly Mandal Parishad Development Officer, MPP, Tiruvuru, Krishna District (now retired), under Rule 9 of A.P. Revised Pension Rules-1980, and also as per G.O.Ms.No.2 General Administration (Services-C) Department, dated:04.01.1999.

7. The Commissioner, Panchayat Raj and Rural Development shall take necessary further action accordingly and furnish the compliance report to the Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Battina Venkateswara Rao, former Mandal Parishad Development Officer,
MPP, Tiruvuru, Krishna District (now retired), **through** the
Commissioner, Panchayat Raj & Rural Development.
The Commissioner, Panchayat Raj & Rural Development, Tadepalli
(with a request to serve the G.O. on the individual and send the served
copy with dated signature to the Government for record).

Copy to:
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Treasuries & Accounts, AP., Mangalagiri, Guntur.
The Director General, Anti-Corruption Bureau, AP., Vijayawada.
The Secretary to Vigilance Commissioner, A.P.V.C., Velagapudi, Guntur District.

//FORWARDED::BY ORDER//

G. Rajeela

SECTION OFFICER